

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RICHARD PEARSON,

Plaintiff,

v.

GRANITE TELECOMMUNICATIONS,
LLC

Defendant.

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) Civil Action No.
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NOTICE OF REMOVAL

NOTICE IS HEREBY GIVEN THAT Defendant Granite Telecommunications, LLC (“Defendant”) files this Notice of Removal of the above-captioned action to the United States District Court for the District of Massachusetts, from the Superior Court of the Commonwealth of Massachusetts for the County of Norfolk, where the action is now pending, as provided by Title 28, United States Code, Chapter 89, §§ 1331, 1441 and 1446. In support of this removal, Defendant states as follows:

1. On March 11, 2011, Plaintiff Richard Pearson (“Plaintiff” or “Pearson”) commenced a civil action against Defendant in Norfolk Superior Court entitled *Richard Pearson v. Granite Telecommunications*, Civil Action No. NOCV2011-00378 (the “State Court Action”). Upon information and belief, a true and correct copy of the Complaint is attached hereto as Exhibit A and constitutes all pleadings and orders received by Defendant in this action to the present date. See 28 U.S.C. § 1446(a).

2. Defendant obtained a copy of the Complaint via Internet download from the Courthouse News Service website in the State Court Action no earlier than March 14, 2011. Defendant has not received service of process.

3. This Notice of Removal is being filed within thirty (30) days after Defendant’s receipt of a copy of the Complaint and is timely filed under 28 U.S.C. § 1446(b).

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the Complaint states a federal cause of action against Defendant under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, (“Federal Claim”) (Count I). Thus, it is a civil action over which this Court has original “federal question” jurisdiction under 28 U.S.C. § 1331, in that the action arises under the Constitution, laws, or treaties of the United States.

5. Furthermore, the Court has supplemental jurisdiction over Plaintiff’s state law claims for discrimination in violation of M.G.L. c. 151b (Count II). 28 U.S.C. § 1367(a). Plaintiff’s Federal Claim and state law claims arise from the same case or controversy because they emanate from Plaintiff’s allegations that he was subjected to derogatory racial slurs, sexual harassment, retaliation and wrongful termination. Therefore, this Court has supplemental jurisdiction over Plaintiff’s state law claim. 28 U.S.C. § 1367(a).

6. This Notice of Removal is being filed in the District of Massachusetts, the District Court of the United States for the district and division within which the State Court Action is pending. 28 U.S.C. §§ 1441(a) and 1446(a).

7. A true and complete copy of this Notice of Removal has been served this day by hand on the Clerk of the Norfolk Superior Court for filing in accordance with 28 U.S.C. § 1446(d). A copy of the Notice of Filing of Notice of Removal is attached hereto as Exhibit B, the original of which is being filed with the Norfolk County Superior Court Civil Clerk.

8. A true and accurate copy of this Notice of Removal and a Notice of Filing of Notice of Removal have also been served this day via first class mail upon Plaintiff.

WHEREFORE, Defendant respectfully requests that the State Court Action be removed and hereinafter proceed in the United States District Court for the District of Massachusetts.

Respectfully submitted,

GRANITE TELECOMMUNICATIONS, LLC,

By its attorneys,

/s/ Adam P. Forman

Adam P. Forman (BBO No. 560360)

LITTLER MENDELSON, P.C.

One International Place, Suite 2700

Boston, Massachusetts 02110

tel.: 617.378.6000

fax: 617.737.0052

aforman@littler.com

Dated: April 12, 2011

CERTIFICATE OF SERVICE

I, Adam P. Forman, hereby certify that on this 12th day of April 2011, the foregoing Notice of Removal was filed electronically through the ECF system, is available for viewing and downloading from the ECF system, will be sent electronically to counsel of record as registered participants identified on the Notice of Electronic Filing and via first class mail to all non-registered participants identified on the Notice of Electronic Filing, including the attorney of record for plaintiff:

Richard W. Kendall
Law Offices of Richard W. Kendall
348 Park Street, Suite 203
North Reading, MA 01864

/s/ Adam P. Forman
Adam P. Forman

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